

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESSE K. JOHNSON,

Plaintiff,

vs.

No. 1:12-CV-00877 MV/RHS

**LAW OFFICES OF FARRELL & SELDIN;
CITICORP CREDIT SERVICES INC. (USA);
CITIBANK N.A.,**

Defendants.

**LAW OFFICE OF FARRELL & SELDIN'S ANSWER TO FIRST AMENDED
COMPLAINT FOR DAMAGES, INJUNCTIVE AND DECLARATORY RELIEF**

COMES NOW Defendant Law Offices of Farrell & Seldin, (hereinafter "F&S") by and through counsel of record, Law Offices of Farrell & Seldin (James J. Grubel), and for its Answer to Plaintiff's First Amended Complaint for Damages, Injunctive and Declaratory Relief states the following:

1. F&S admits that it began collection efforts against Plaintiff to collect on a defaulted Citibank credit card in February, 2011. F&S denies the remainder the allegations as contained in Paragraph 1 of Plaintiff's Amended Complaint.
2. F&S admits the allegations as contained within Paragraphs 2-3, 6-15, 18-21, 23, 26-34, 36-38, and 44 of Plaintiff's Amended Complaint.
3. F&S denies the allegations as contained within Paragraphs 16, 17, 35, 46, 48, 51, 53-56, and 58-63 of Plaintiff's Amended Complaint.
4. F&S is without sufficient information to either admit or deny the allegations contained within Paragraphs 22, 24, 25, 39-43, 45, 49, 50, and 52 of Plaintiff's Amended Complaint and therefore denies.

5. The allegations contained within Paragraphs 4, 5, 47, 57, 66, 67 of Plaintiff's Complaint are not directed at F&S and as such F&S can neither admit nor deny.
6. The allegations contained within Paragraphs 64 and 65 of Plaintiff's First Amended Complaint were dismissed as to F&S and therefore no response is necessary.
7. F&S denies all other paragraphs of Plaintiffs' First Amended Complaint to the extent that they could be construed as to allege liability against F&S.

Affirmative Defenses

1. Plaintiff's claims fail to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by a bona fide error pursuant to 15 USC 1692k(c).
3. Plaintiff's claims are bared by the Rooker-Feldman doctrine.
4. Plaintiff's claims may be barred by claims preclusion, issue preclusion, res judicata and collateral estoppel.

WHEREFORE, F&S prays an order from the Court denying the relief sought by the Plaintiff, and for such other relief as the Court deems just and proper.

Respectfully Submitted,

LAW OFFICES OF FARRELL & SELDIN

By _____

JAMES J. GRUBEL

Attorney for Farrell & Seldin

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I hereby certify that on 12th of April 2013 I mailed a copy of this document to:

Jesse K. Johnson
Plaintiff pro se
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Albuquerque, NM 87114

I further certify that a copy of this document was served via the Court's electronic filing system to:

Justin B. Breen
Attorney for Citibank
P.O. Box AA
Albuquerque, New Mexico 87103



JAMES J. GRUBEL